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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan and Syrian Arab Republic: draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling its resolution 51/103 of 12 December 1996,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1994, in particular article 32 thereof, in which it is declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General[1] pursuant to Commission on Human Rights resolution 1995/45 of 3 March 1995,[2]

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[1] E/CN.4/1996/45 and Add.1.

[2] See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[1]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[2] the Beijing Declaration and Platform of Action, adopted by the Fourth World Conference on Women on 15 September 1995,[3] and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[4]

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their extraterritorial effects, inter alia, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

Noting the continuing efforts of the Working Group on the Right to Development and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[5]

1. Urges all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the

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[1] A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[2] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[3] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[4] Report of the United Nations Conference on Human Settlements, (Habitat II), Istanbul, 3-14 June 1996 (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[5] Resolution 41/128, annex.

Universal Declaration of Human Rights[6] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

4. Reaffirms, in this context, the right of all people to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development, to give urgent consideration to the present resolution in her annual report to the General Assembly;

7. Requests the Secretary-General to bring the present resolution to the attention of all Member States and seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit accordingly a report thereon to the General Assembly at its fifty-third session;

8. Decides to examine this question, on a priority basis, at its fifty-third session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[6] Resolution 217 A (III).